

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) Donato S. Dewitt 199620
(Name of Plaintiff) (Inmate Number)

H.R.Y.C.I. 1301 East 12TH Street Wilmington DE.
(Complete Address with zip code) 19809

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) RAPHAEL Williams
(2) MARK Emig
(3) Brian Berggren
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

NA

06 - 680

(Case Number)

(to be assigned by U.S. District Court)

CIVIL COMPLAINT

- • Jury Trial Requested



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • No
- C. If your answer to "B" is Yes:

1. What steps did you take? Disciplinary issues are ungrievable, they can only be appealed after a hearing. I never had a hearing.
2. What was the result? I repeatedly write the warden and Deputy warden about my rights being violated. I also write the grievance officer for a copy of the inmate manual to know my rights. I never receives any response from the grievance officer.

~~D.~~ If your answer to "B" is No, explain why not: The Deputy warden and warden repeatedly sent memos to me passing all authority on this matter to Captain Berggren. See attached ungrievable issues.

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Raphael Williams

Employed as warden at Howard R. Young Correctional Institution
 Mailing address with zip code: 1301 East 12th Street
Wilmington De. 19809

- (2) Name of second defendant: Mark Emig

Employed as Deputy warden at Howard R. Young Correctional Institution
 Mailing address with zip code: 1301 East 12th Street
Wilmington De. 19809

- (3) Name of third defendant: Brian Berggren

Employed as Captain at Howard R. Young Correctional Institution
 Mailing address with zip code: 1301 East 12th Street
Wilmington De. 19809

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
OFFICE OF THE GRIEVANCE CHAIRPERSON
1301 E. 12TH STREET
WILMINGTON, DE 19801

MEMORANDUM

TO: Inmate [redacted]

FROM: Sgt. Moody, Inmate Grievance Chairperson

DATE:

RE: YOUR RECENT GRIEVANCE #06-

This memo is to inform you that the grievance submitted by you dated [redacted] regarding [redacted] is not grievable for the following reason(s):

- ☐ The complaint was addressed by the IGC: _____
- ☐ Security issue (involves the security and/or staffing of the Institution and/or the safety, health, and/or welfare of inmates, staff and the public).
- ☐ Classification issues (security classification, jobs, transfers, programs, housing unit assignment). Classification has its own appeal process. The inmate must write to the Treatment/Classification Unit within seven (7) days after the inmate receives the Classification decision. The letter must state that the inmate is appealing the classification and clearly indicate the reasons the inmate disagrees with the classification decision.
- ☒ Disciplinary issue. Disciplinary actions cannot be grieved but must be APPEALED within 24 hours of the Class I or Class II Hearing Decision. Complete an appeal form and mail it to the facility Hearing Officer within 24 hours of receiving the form. Please note that 24 loss of all privileges cannot be appealed.
- ☐ Parole Board Decision. The inmate must write a letter to the Parole Board within 30 days of the Board's decision. Expressing the desire to appeal the decision and listing the reasons. The Parole Board's address is: Board of Parole, Carvel State Office Building, 820 N. French Street, 5th Floor, Wilmington, DE 19801.
- ☐ Inmates cannot request or demand disciplinary action on staff. If you have a complaint regarding staff write a letter to that person's supervisor. In this case, that is:
- ☐ This is an issue/complaint that has already been grieved by you or another inmate. _____
- ☐ Grievance is unacceptable because it has passed the seven (7) day time frame allotted to file a grievance.
- ☐ The grievance is a photocopy, carbon copy, written in pencil or red ink. Original grievance forms must be written in black or dark blue ink.
- ☐ This complaint is addressed in the Inmate Handbook. Refer to the handbook page _____ for clarification and/or direction.

- 5
- 1002
788
214
- 8 473
102
575
213
788
213
1001
- ___ Action request is inappropriate or not completed. Inmate must make an actual request, such as, request that an investigation be conducted (inmates are not forwarded results of investigations that involve staff conduct).
- ___ Documentation must be attached to the grievance when it is resubmitted that supports allegations/complaint, such as commissary receipts, Form 537, etc. The IGC will make copies of items submitted with the grievance and return the originals to the inmate.
- ___ This complaint should be addressed by submitting a sick call slip. If you are experiencing any type medical condition, please submit a sick call slip.
- ☒ Other: Requests are not processed through the grievance procedure.
- ___ Other: Please be advised that you have submitted your grievance on the wrong form. Please re-submit using the correct grievance form.

cc: file

8 Honey Buns 12
2 Brownies 118
1 Little Debbie 590
1 Legal Pad 708
1 Stamped Envelope 213
1 Pen 921
110
1031

590
110
700
47
747
213
960
23
983
16
966
33
999

Defendants Continued (Caption)

4.) Stan Taylor

5.) Delaware Department of Corrections

Civil
Complaint

II Defendants Continued

4.) Name of Fourth Defendant Stan Taylor

Employed As Commissioner of Prisons At Delaware Department of Corrections

Mailing Address with Zip Code 245 McKee Road

Dover De 19901

5.) Name of Fifth Defendant Delaware Department of Corrections

Employed As Department of Corrections At the State of Delaware

Mailing Address 245 McKee Road

Dover De. 19901

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

"Abuse of Authority"

1. On 9-26-06 I was moved to Administrative Segregation (Pre Hearing Detention) for 2 checks mailed to me by my Brother Glenn Dewitt. My order to be held until further notice was signed by Deputy Warner Mark Emib and Captain Brian Berggren.
2. While on this I never receives any paper work of any kind of the allegations or charges against me. I was told only by Lieutenant Perdrick that I was being held pending an investigation. I was on this status for 30 days. I never had a hearing and was never found guilty of any wrong doing.
3. My right to my religious services was denied my entire stay on this status. I was not allowed to attend my weekly religious services or my Bible college classes.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I want to be financially compensated for the abuse of authority, the cruel and unusual punishment and the mental and emotional anguish I suffered at the actions of the defendants.

2.) Cruel And Unusual Punishment

While on Administrative Segregation I was allowed out of my cell only 3 days a week for only 1 hour at a time. This was my only opportunity to shower and I was not allowed any phone calls. I wrote numerous requests to Captain Berggren to make a phone call home to check on the health of my mom who was in Kent General Hospital. He never gave me permission to make this call. All of my personal belongings including my Bible, my legal work, my medications, and all of my cosmetics were confiscated and held by Captain Berggren my first 13 days on this status. I only received these after numerous requests to Warden Williams and Deputy Warden Emig. Deputy Warden Emig responded on 10-4-06 and Warden Williams on 10-5-06 by memo stating "your correspondence has been forwarded to Captain Berggren for any response or action deemed necessary." On the day Warden Williams memo was sent to Captain Berggren I received my personals. Both the Warden and Deputy Warden repeatedly passed all authority in this matter to Captain Berggren even after I repeatedly claimed to have my rights violated. Even shampoo is not allowed on this status, it is considered a privilege.

3.) Mental And Emotional Anguish

On 9-27-06 Captain Berggren informed me he did not have time to give me my personals and that it would be a while before he could get around to investigating my case. He repeatedly states that in the mean time I could write to him and admit fault to what I was doing wrong, it would speed up my getting off of this status. On 9-29-06 Warden Williams responded to my request for my personals and to be released from this status by memo stating Captain Berggren has been working on other issues and will handle your request as soon as possible. They clearly used my confinement and personals as weapons against me, for information against myself. On 10-1-06 thru 10-3-06 I was in the infirmary on suicide watch over repeated and overwhelming feelings of frustration over their actions and not being able to get out of my cell.

4.) Howard R. Young Correctional Institution allows a STANDARD Procedure violations of inmates Rights. An inmate is Entitled to 1 Hour of Recreation a Day, either Daily or at least 5 Days A week, not only 3 Days A week. Especially For An inmate who Has not Been Found guilty of Any Wrong Doing, or who never Posed a threat of Harm to Anyone. Stan Taylor the Commissioner of Delaware Prisons And the Department of corrections in Delaware are LIABLE And ultimately Responsible to assure that all inmates Rights are Fulfilled By Previous set Statutory Guidelines.

Commissioner Taylor And the Delaware Department of corrections are Responsible For allowing Warren Raphael Williams And the Howard R. Young Correctional Institution to violate inmates Rights a STANDARD Procedure on a Daily Basis, For those on Administrative Segregation. ALL Administrative segregations get only 3 hours of Recreation a week.

All inmates on Administrative Segregation were to Have the CHARGES Against them in writing And to Have An opportunity to Respond to these allegations in Front of the watch commander or A Designee, within 24 Hours of Being Placed on this status. Hearings are to Be Held within No Longer than 72 Hours.

I was on this status 30 Days. I Never Received Any Paperwork of the allegations Against me and I Never Had A Hearing.

AS STANDARD Routine Procedure on this status No one on Administrative Segregation is allowed to attend Any Religious or Educational classes or Services.

2. THE DEFENDANTS TO BE REPRIMANDED
FOR NOT FOLLOWING PROPER RULES OF CONDUCT
WHICH GUARDS INMATES RIGHTS AND
PRIVILEGES.

3. THAT OTHER INMATES ON THIS STATUS RIGHTS
ARE FULFILLED.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 31ST day of OCTOBER, 2006.

Donald S. Demmitt

(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Donato Dewitt SBI #199626
H.R.V.C.I.
Wilmington De 19801
NOV 14 1985
WILMINGTON, DE 19850



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1B

Clerk
U.S. District Court
Lock Box 18
844 N. King Street
Wilmington De 19801

LEGAL MAIL ONLY